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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/126,897	07/31/1998	JEAN-PIERRE WEBER	003250-198	9422

21839 7590 10/30/2002

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[REDACTED] EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MB

Advisory Action	Application No. 09/126,897	Applicant(s) WEBER ET AL
	Examiner Kevin Burd	Art Unit 2631
		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Oct 21, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will not be entered because:

- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) they raise the issue of new matter (see NOTE below);
- (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Applicant's reply has overcome the following rejection(s):

4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached sheet

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 28-42

Claim(s) withdrawn from consideration: _____

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 14.

10. Other: _____

Art Unit: 2631

DETAILED ACTION

1. This office action, in response to the request for reconsideration filed 10/21/2002, is an advisory action.

Response to Arguments

As stated previously, regarding claim 28, Standard Telephones and Cables Public Limited Company [Standard] discloses a method of transferring an electrical signal from a first terminal on an optical fiber to a second terminal. An electrical signal is spread using CDMA (column 1, lines 37-50). The modulation technique used is sometimes called pseudo-noise modulation at the transmitter a modulated RF carrier is used (column 1, lines 51-62). The physical transmission path is an optical fiber and the signal is transmitted on this optical fiber (column 3, lines 9-11). At the receiver, the incoming RF signal is passed through an identical balance modulator driven from an identical code generator (column 2, lines 79-93). Prior to the demodulation step, the optical signal will be converted back to an electrical signal so the demodulation can take place. The step of demodulation, demodulates the signal and despreads the signal to recover the original electrical signal in the receiver.

Standard does not disclose the step of adding a control signal to the modulated electrical signal before transmission of the signal. Fukasawa discloses adding a control

Art Unit: 2631

signal to the modulated signal before transmission (figure 1 and column 2, line 51 to column 3, line 7). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the step of adding a control signal to the modulated signal to the transmission and receiving system of Standard. The control signal is a synchronization signal which helps to ensure proper synchronization of the transmitted signal with the transmission and receiving system. The synchronization signal will be extracted at the receiver to ensure the synchronization will be maintained.

Applicant states the two incoming signals are transmitted within different frequency ranges and therefore the two signals can easily be separated, detected and retrieved. This is not suggested by the cited documents. Fukasawa discloses combining a first and second chip code, synchronizing the chip codes (column 2, lines 51-64), transmitting the combined signal and recovering the chip codes by generating replicas of the first and second chip codes (column 3, lines 8-20).

Applicant states it is apparent that the cited documents cannot be combined to arrive at the claimed invention. The examiner, respectfully, disagrees. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the step of adding a control signal to the modulated signal to the transmission and receiving system of Standard. The control signal is a synchronization signal which helps to ensure proper synchronization of the transmitted signal with the transmission and

Art Unit: 2631

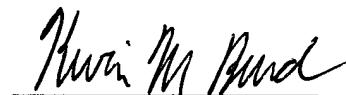
receiving system. The synchronization signal will be extracted at the receiver to ensure the synchronization will be maintained.

For these reasons and the reasons stated in the previous office actions, the rejections of claim 28 is maintained. The application is not in condition for allowance.

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
October 28, 2002



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10/29/02